

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JUAN P. SILVA,**

**Defendant.**

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**CASE NO. 8:09CR63**

**ORDER**

This matter is before the Court on the Defendant's unopposed motion for extension of time to file pretrial motions (Filing No. 40). The Defendant requests a second continuance to an unspecified date after July 7, 2009, to file pretrial motions. The motion will be granted; however, a speedy trial affidavit will be required. However, absent unusual circumstances another motion to continue the pretrial motion deadline will not be granted.

**IT IS ORDERED:**

1. The Defendant's unopposed motion for extension of time to file pretrial motions (Filing No. 40) is granted;
2. The Defendant has until July 15, 2009, to file pretrial motions under the progression order;
3. Defense counsel must immediately file a speedy trial affidavit signed by the Defendant as required under NECrimR 12.3(a); and
4. The ends of justice have been served by granting the motion and outweigh the interests of the public and the Defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e. the time between today's date and July 15, 2009, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the

reason that defense counsel requires additional time to adequately prepare the case, taking into consideration the due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time could result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 25<sup>th</sup> day of June, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge